

## **REMARKS**

This Amendment is fully responsive to the non-final Office Action dated February 19, 2009, issued in connection with the above-identified application. Claims 1, 3-15, 17-24, 27 and 28 are all the claims pending in the present application. With this Amendment, claims 1, 3-6, 15, 17-20, 27 and 28 have been amended. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

At the outset, the Applicants thank Examiner Najarian for granting the telephone interview (hereafter “interview”) conducted with the Applicants’ representative on April 23, 2009 to discuss in detail the distinguishable features between independent claim 1 (i.e., as an exemplary independent claim), and the Clarkson and Jeacock references.

During the interview, it was noted that the present invention (as recited in independent claim 1) is distinguishable over the cited prior art in that the terminal apparatus for a patient generates the questions that are presented to the patient based on question data that is received from a database server apparatus. Therefore, the questions themselves are not transmitted through the communication network thereby retaining the security of confidential patient information.

Additionally, during the interview, three features of the present invention (i.e., communication network, generating means, and patient dependent question programs that are not transmitted through a communication network) were discussed in detail. With regard to the “communication network,” the Examiner noted that any connection between the terminal 104, the processing unit 102 and the database 106 in Fig. 2 of Clarkson could be broadly interpreted as the claimed “communication network connection.”

With regard to the “generating means” and the “patient dependent question programs,” the Examiner indicated that Clarkson and Jeacock disclose these features given the similarity and broad interpretation given to the limitations “question programs” “question sets” and “answer forms.”

At the conclusion of the interview, it was agreed that further clarification of the limitations “question programs,” “question sets” and “answer forms” (as recited in independent claims 1 and 15) would help to further distinguish the present invention from the cited prior art.

In the Office Action, claims 1, 3-5, 7-13, 15, 17-19, 21-24, 27 and 29 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Clarkson (U.S. Publication No. 2003/0046305, hereafter “Clarkson”), Kraftson (U.S. Patent No. 6,151,581, hereafter “Kraftson”), Jeacock et al. (U.S. Patent No. 6,014,630, hereafter “Jeacock”), and further in view of Tipirneni (U.S. Patent No. 6,381,029, hereafter “Tipirneni”).

The Applicants have amended independent claims 1 and 15 to be consistent with the agreement reached during the interview conducted on April 23, 2009. In particular, independent claims 1 and 15 have been amended to clarify what is meant by “question programs,” “question sets” and “answer forms,” which should help to further distinguish the present invention from the cited prior art. For example, independent claim 1 (as amended) recites the following features:

“[a]communication system for providing information of a medical doctor's questions to patients, said communication system comprising a medical doctor terminal apparatus, a patient terminal apparatus, and a database server apparatus for storing question set data for the medical doctor's questions to patients, said medical doctor terminal apparatus, said patient terminal apparatus and said database server apparatus are connected to each other through a communication network,

wherein said patient terminal apparatus comprises:

first interface means for establishing a network connection and data communication between the database server apparatus and said patient terminal apparatus via the communication network;

first receiving means for receiving question set data from said database server apparatus, the question set data being dependent on a particular patient among a plurality of patients;

template storing means for storing template programs which correspond to predetermined forms used to present questions to be answered by a patient, the template programs are not dependent on a particular patient;

generating means for generating, upon receiving the question set data from said database server apparatus, question programs that create the forms which are dependent on a particular patient among a plurality of patients using a patient-independent template program from among the template programs stored in the

template storing means so that patient-dependent question programs and forms are not transmitted through the communication network, the forms being created on the patient terminal by inserting the question set data received from said database server apparatus into the template programs, thereby retaining security of the questions to patients, the question programs being generated for providing medical doctor's questions to patients;

displaying means for displaying questions for the medical doctor's questions to patients by executing the question programs generated by said generating means;

entering means for entering answer data to the displayed questions; and

transmitting means for transmitting the entered answer data to said database server apparatus, and storing the transmitted answer data in said database server apparatus; and

second interface means for terminating the network connection and data communication between the database server apparatus and said patient terminal apparatus;

wherein said medical doctor terminal apparatus comprises second receiving means for receiving the answer data stored in said database server apparatus by accessing said database server apparatus, and displaying the received answer data, and

wherein the patient dependent question programs are not transmitted through the communication network.” (Emphasis added)

The features emphasized above in claim 1 are similarly recited in independent claims 15 (as amended). Additionally, the features emphasized above are fully supported by the Applicants' disclosure (see e.g., Figs. 9, and 16-19; and ¶[0008], ¶[0154]-¶[0164], and ¶[0203] of U.S. Publication).

In the present invention, as recited in independent claims 1 and 15, a first interface means establishes a network connection and data communication between a database server apparatus and a patient terminal apparatus via the communication network. A first receiving means receives question set data from a database server apparatus, wherein the question set data is dependent on a particular patient among a

plurality of patients. An example of the question set data can be seen at least in Fig. 9 of the present application. The question set data is used to create questions that are to be presented to the user, but the question set data by itself is not yet in a presentable form. A template storing means stores template programs which correspond to predetermined forms used to present the questions to be answered by a patient, wherein the template programs are not dependent on a particular patient.

A generating means generates, upon receiving the question set data, question programs that create forms which are dependent on a particular patient among a plurality of patients using the template programs stored in the template storing means. The patient-dependent question programs and forms are not transmitted through a communication network because they are generated at the patient terminal.

Specifically, the forms are generated or created on the patient terminal by inserting the question set data received from the database server apparatus into the template programs, thereby creating a patient-dependent question program and form for presenting questions to the patient. A displaying means then displays the medical doctor's questions to the patient.

In the Office Action, the Examiner relies on Clarkson, Kraftson, Jeacock and Tipirneni for disclosing or suggesting all the features recited in independent claims 1 and 15. However, the Examiner relies primarily on Clarkson, Kraftson and Jeacock for disclosing or suggesting the features of the present invention noted above (i.e., first interface means, first receiving means, template storing means and generating means).

With regard to Clarkson, the Examiner relies on Fig. 2 of the reference for disclosing or suggesting the claimed "interface means" of the present invention. However, Fig. 2 of Clarkson discloses an apparatus 100 that includes a display 104, a database 106, a processing unit 102 and user interfaces 105, 103. During the interview on April 23, 2009, the Examiner noted that any connection between the terminal 104, the processing unit 102 and the database 106 in Fig. 2 of Clarkson could be broadly interpreted as a "communication network connection," similar to that of the present invention.

However, at best, the communication network connections (i.e., between 102, 104 and 106) disclosed in Clarkson are all within the apparatus 100, which most accurately corresponds to the patient terminal apparatus of the present invention.

To the contrary, the claimed “interface means” of the present invention establishes a network connection and data communication between a database server apparatus and a patient terminal apparatus via a communication network (see e.g., Fig. 2). Thus, the network connections established by the claimed “interface means” are to an external communication network that includes the database server apparatus. On the other hand, the network connections relied on by the Examiner in Clarkson (i.e., between 102, 104 and 106) are all within a patient terminal apparatus, not to an external communication network.

With regard to Kraftson, the Examiner relies on col. 6, lines 19-46 for disclosing the claimed “first receiving means” of the present invention (as similarly recited in independent claims 1 and 15). Kraftson at col. 6, lines 19-46 discloses a remote data collection system based on a hand-held computer which provides electronic forms that are to be completed by a patient and/or physician during a treatment session; a host device for reading survey information; an interface for downloading information through the host device; and a forms library.

However, the claimed “first receiving means” of the present invention receives question set data from a database server apparatus, wherein the question set data is dependent on a particular patient among a plurality of patients. The question set data is used to create questions that are to be presented to the user, but the question set data by itself is not yet in a presentable form. Kraftson fails to disclose or suggest the use of question set data, as in the present invention (as recited in independent claims 1 and 15).

With regard to Jeacock, the Examiner relies on Jeacock at col. 1, lines 41-58; col. 2, lines 31-48; col. 3, line 59-col. 4, line 37; and col. 5, line 52-col. 6, line 4 for disclosing or suggesting all the features of the claimed “generating means” of the present invention.

The generating means of the present invention generates, upon receiving the question set data from the database server apparatus, question programs that create the forms which are dependent on a particular patient among a plurality of patients using a patient-independent template program from among the template programs stored in the

template storing means. These patient-dependent question programs and forms are not transmitted through the communication network because the forms are created on the patient terminal by inserting the question set data received from the database server apparatus into the template programs, thereby retaining security of the questions to and answers from the patients.

However, as noted during the interview conducted on April 23, 2009, Jeacock at col. 1, lines 41-58 and col. 2, lines 31-48 discloses the use of “default templates” that result from the user providing information to a database or computer relating to a patient, surgeon, procedure, facility or the like (i.e., by answering a series of questions presented). The result is a multi-page personalized patient document that is provided to the patient. The information that is provided to the patient is regarding, for example, systems used by a specific facility for the particular procedure to be undergone; specific techniques used by the doctor performing that procedure; and the like.

Thus, in Jeacock, the default templates are stored beforehand in a database that provides the requested information to a patient. However, as noted during the interview, the default templates disclosed in Jeacock already include questions, which are then answered in order to produce the multi-page personalized patient document.

Therefore, Jeacock at col. 1, lines 41-58 and col. 2, lines 31-48 does not disclose or suggest generating question programs, which includes inserting question set data received from a database apparatus into template question programs for creating patient-dependent forms for providing medical doctor’s questions to patients.

Jeacock at col. 3, line 59-col. 4, line 15; and col. 4, line 37 clearly indicates that questions to be answered by a patient or user are *pre-programmed*, so that the user can be assured that when he/she has completed answering the questions, all the necessary matters have been covered (see e.g., col. 4, lines 8-11). Thus, in Jeacock at col. 3, line 59-col. 4, line 15; and col. 4, line 37, the questions are pre-programmed so if the pre-programmed questions are transmitted through communication lines, the security for the questions to patients cannot be retained.

Conversely, in the present invention (as recited in independent claims 1 and 15), upon receiving the question set data from the database server apparatus, the received questions set data is inserted into the template question programs to generate the patient-

dependent forms for presenting questions to a patient. Therefore, security for the questions presented to patients can be retained because the questions to the patient are generated for the first time at the patient terminal.

Finally, Jeacock at col. 5, line 52 - col. 6, line 4 discloses that the default templates include considerable boilerplate information that is provided to the patients when the personalized patient document is printed out. Thus, again, the templates are prepared in advance. In other words, there is no actual generation of the patient-dependent question programs and forms for presenting questions to a patient by inserting question set data received from a database server apparatus into the template question programs, as recited in the claims 1 and 15.

At least for the reasons noted above, no combination of Clarkson, Kraftson, Jeacock and Tipirneni would result in, or otherwise render obvious, independent claims 1 and 15 (as amended). Likewise, no combination of Clarkson, Kraftson, Jeacock and Tipirneni would result in, or otherwise render obvious, claims 3-5, 7-13, 17-19, 21-24, 27 and 29 at least by virtue of their respective dependencies from independent claims 1 and 15.

In the Office Action, claims 6, 14, and 20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Clarkson in view of Kraftson, Jeacock, Tipirneni, and further in view of Bair et al. (U.S. Patent No. 6,108,665, hereafter "Bair"). However, claims 6 and 14 depend from independent claim 1; and claim 20 depends from independent claim 15. As noted above, Clarkson, Kraftson, Jeacock and Tipirneni fail to disclose or suggest (individually or in combination) all the features recited in independent claims 1 and 15 (as amended).

Additionally, Bair fails to overcome the deficiencies noted above in Clarkson, Kraftson, Jeacock and Tipirneni. Accordingly, no combination of Clarkson, Kraftson, Jeacock, Tipirneni and Bair would result in, or otherwise render obvious, the features noted above in claims 6, 14 and 20 by virtue of their respective dependencies from independent claims 1 and 15.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and

pass the present application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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